



IF 2881

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ARDAVAN et al.

Atty. Ref.: 117-342; Confirmation No. 8750

Appl. No. 09/786,507

TC/A.U. 2881

Filed: May 1, 2001

Examiner: B. Souw

For: APPARATUS FOR GENERATING FOCUSED ELECTROMAGNETIC RADIATION

* * * * *

July 1, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

In response to the Notice of Non-Compliant Amendment dated June 3, 2005, Applicants respectfully request reconsideration.

The non-compliant amendment notice refers to "Amendments to the Drawings," stating that "drawings has to be labeled replacement." As explained in the voicemail message left for Ms. Peggy Yarborough on July 1, 2005, the amendment filed on May 18, 2005 did not make any amendments to the drawings. Indeed, the only amendments were made to the claims. The drawings that may be referred to are drawings used in an Appendix submitted with the amendment used for purposes of illustration to support Applicants' argumentation and response. Those figures are illustrative and do not form any part of the application as filed. Accordingly, Applicants request that the Notice of Non-Compliant Amendment be withdrawn, and that the


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Amendment filed on May 17, 2004 be substantively considered. If there are any questions regarding this issue, please contact the undersigned at (703) 816-4025.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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JRL 117-342

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/786,507 | 05/01/2001 | Arzhang Ardavan | 117-342 | 8750 |

23117 7590 06/03/2005
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EXAMINER

SOUW, BERNARD E

ART UNIT PAPER NUMBER

2881

DATE MAILED: 06/03/2005

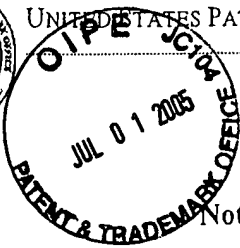
Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED 1mo

CLT/MATTER # 117-342
MAIL DATE 6/3/05
DUE DATE July 3, 2005
FINAL DEADLINE Dec 3, 2005
DOCKETED BY Tim PAB



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Notice of Non-Compliant Amendment (37 CFR 1.121)

09 786 507

The amendment document filed on 5.18.05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☒ 3. Amendments to the drawings: Drawings has to be labelled replacement.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/ptengnotice/officflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Roggy Yarbrough
Legal Instruments Examiner (LIE)

571-272-1859
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